

## ACTION ITEM

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Approval of a process to exercise WICHE’s decisional authority as part of the State Authorization Reciprocity Agreement (SARA) policy revision process

### Summary

At its June retreat, the National Council for State Authorization Reciprocity Agreements (NC-SARA) board approved a process for considering and revising SARA policies. This process, developed in large part by key members of the W-SARA Regional Steering Committee (RSC), includes a strong state voice and requires that any policies to be adopted must secure the approval of each regional compact and the NC-SARA board.

This action item would formalize the process that has previously been shared with the WICHE Executive Committee and discussed with the Policy Analysis and Research Committee. To represent WICHE’s “voice” in approving or rejecting SARA policy proposals, staff recommend the following approach: The W-SARA RSC considers and votes on most policy proposals; in the event that a policy proposal is potentially controversial or carries an unusually high significance – in the judgment of the WICHE president and in consultation with WICHE officers and the Chair of the Policy Analysis and Research Committee – the proposal will be brought before the WICHE Commission. Should a proposal be brought before the WICHE Commission, the W-SARA RSC will be asked to provide a formal recommendation and analysis to the commission.

### Relationship to WICHE Mission

By providing a coordinated approach to the regulation of interstate distance education, W-SARA serves WICHE’s mission in a number of ways, including sharing resources across the region and providing a forum for interstate collaboration. Adoption of these procedures for considering and potentially approving policy changes would enshrine a strong state and compact voice in the implementation of SARA.

### Background

Following mounting dissatisfaction with and concerns about the inclusion and representation of state voice in SARA operations and policy development the WICHE Commission passed a strongly worded resolution insisting on the adoption of a revised policy modification process that centered state voices (included in subsequent pages). After months of work and input from key stakeholders and under the leadership of state representatives including key members of the W-SARA RSC, the NC-SARA board voted to adopt a new policy modification process at its June 2022 retreat (included in subsequent pages).

Many of the concerns previously voiced by WICHE Commissioners, state staff, and other key stakeholders are addressed with the adoption of this process. A key feature of the process is that every proposed policy modification must be approved by all four compacts and the NC-SARA board before

adoption into SARA policy. This serves to recenter the voices of SARA member states and territories in the process for creating SARA policies.

With the adoption of the new policy modification process by the NC-SARA board, WICHE must document and articulate its process for implementing its role and authority as a compact within the process. Most proposals will likely be suitable for consideration by the W-SARA RSC as they involve technical changes or slight modifications to policy, and RSC members bring a wealth of technical expertise. However, because the process will allow for proposal submissions from anyone, there may be major proposals that would dramatically change SARA or have substantial impacts on students, institutions, and/or consumer protections.

In cases where a proposal would dramatically change SARA or could be perceived as controversial, staff recommend a process by which the final decision on a proposal is placed in front of the WICHE Commission—likely through the Executive Committee—with a recommendation, background information, and analysis provided by W-SARA staff and informed by the RSC. Our proposed internal process calls for the WICHE president, in consultation with WICHE officers and the Chair of the Policy Analysis and Research Committee, to decide when proposals carry enough weight to be routed to the Commission.

This process – as a potential approach – was previously shared with the WICHE Executive Committee and was also briefly brought before the Policy Analysis and Research Committee at the May 2022 Commission meeting. The key principle of this process, from the staff perspective, is that basing WICHE’s “vote” on particular policies will reflect the collective view of the states in the region participating in SARA.

### Project Description

The new policy revision process has been discussed repeatedly with the WICHE Commission and represents an incredible investment of time, effort, and leadership on the part of WICHE and key state staff who work on SARA issues.

The attached and supplementary materials include the actual policy revision process, as adopted by the NC-SARA Board as well as a flowchart that graphically represents the process. (Note: These are the documents as voted on by the NC-SARA board. We expect revisions to the flowchart that may alter its graphical appearance, but will not change any of the substantive steps)

The key question left for the commission is how to execute WICHE’s decisional authority in the process. Based on staff’s previous discussions with the Executive Committee and the Policy Analysis and Research Committee, the proposed approach seems best suited for balancing the efficiency of having the W-SARA RSC address most issues (along with RSC members’ unparalleled technical expertise) with the benefit of having the commission weigh in on matters of substantial importance.

### Staff and Fiscal Impact

Staff time for SARA activities is supported by the regional compact allocation of institutional fees collected as part of SARA. It is expected that robust participation in the SARA policy revision process will

increase staff workload (and budgetary impact), but this comes as staff will spend substantially less time working on the governance issues that led to the development of this process.

### Action Requested

Approval of a process for considering SARA policy proposals in which: the W-SARA RSC is tasked with considering and voting to approve or reject most SARA policy proposals; in the event that a policy proposal is potentially controversial or carries an unusually high significance – in the judgment of the WICHE president and in consultation with WICHE officers and the Chair of the Policy Analysis and Research Committee – the proposal will be brought before the WICHE Commission.